

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: Amy Acquaviva	Debtor(s)	CHAPTER 13
M&T Bank	Movant	
vs.		
Amy Acquaviva	Debtor(s)	NO. 19-15189 ELF
William C. Miller Esq.	Trustee	
		11 U.S.C. Section 362

**MOTION OF M&T Bank
FOR RELIEF FROM THE AUTOMATIC STAY
UNDER SECTION 362**

1. Movant is M&T Bank.
2. Debtor(s) is/are the owner(s) of the premises 2322 North Gilinger Road, Lafayette Hill, PA 19444, hereinafter referred to as the mortgaged premises.
3. Movant is the holder of a mortgage, original principal amount of \$231,023.00 on the mortgaged premises that was executed on November 28, 2008. Said mortgage was recorded on December 5, 2008 at Book 12504, Page 02491. The Mortgage was subsequently assigned to Movant by way of Assignment of Mortgage recorded on April 12, 2019, at Book 14668, Page 01992 in Montgomery County.
4. William C. Miller Esq., is the Trustee appointed by the Court.
5. The commencement and/or continuation of the mortgage foreclosure proceedings by reason of non-payment of monthly mortgage payments were stayed by the filing of a Chapter 13 Petition in Bankruptcy by the Debtor(s).
6. Debtor(s) has/have failed to make the monthly post-petition mortgage payments in the amount of \$1,404.45 for the months of October 2019 through November 2019 and \$1,327.24 for the months of December 2019 through February 2020. The debtor's suspense balance is \$663.62.
7. In addition to the other amounts due to Movant reflected in this Motion, as of the date hereof, in connection with seeking the relief requested in this Motion, Movant has also incurred \$850.00 in legal fees and \$181.00 in legal costs. Movant reserves all rights to seek an award or allowance of such fees

and expenses in accordance with applicable loan documents and related agreements, the Bankruptcy Code and otherwise applicable law.

8. The total amount necessary to reinstate the loan post-petition is \$6,127.00 (plus attorney's fees & costs).

9. Movant is entitled to relief from stay for cause.

10. This motion and the averments contained therein do not constitute a waiver by Movant of its right to seek reimbursement of any amounts not included in this motion, including fees and costs, due under the terms of the mortgage and applicable law.

WHEREFORE, Movant prays that an Order be entered modifying the Stay and permitting Movant to proceed with its mortgage foreclosure on the mortgaged premises, and to allow the Sheriff's Grantee to take any legal action to enforce its right to possession of the mortgage premises. Further, Movant prays that an Order be entered awarding Movant the costs of this suit, reasonable attorney's fees in accordance with the mortgage document and current law together with interest.

/s/ Rebecca A. Solarz, Esquire

Rebecca A. Solarz, Esquire

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